

ORIGINAL

wallmank@wallman.com  
555 12th Street NW  
Suite 321  
Washington, DC 20004

  
**WALLMAN STRATEGIC CONSULTING, LLC**  
Phone: 202.347.4964  
Fax: 202.347.4961

RECEIVED

SEP 29 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 29, 1999

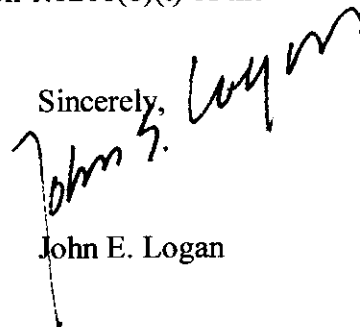
Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Ex Parte Filing*  
CC Docket 96-98

Dear Ms. Salas:

Enclosed is a letter sent by MediaOne Group to Mr. Yog R. Varma, Deputy Chief, Common Carrier Bureau, on September 29, 1999 regarding the referenced proceeding. Two copies of the letter are being filed pursuant to Section 1.1206(b)(i) of the Commission's rules.

Sincerely,



John E. Logan

Enclosure

cc: Mr. Yog R. Varma

No. of Copies rec'd  
List ABCDE

041





This is Broadband. This is the way.

RECEIVED

SEP 29 1999

Federal Communications Commission  
Office of Secretary

September 29, 1999

Mr. Yog R. Varma  
Deputy Bureau Chief  
Common Carrier Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Ex Parte Filing  
CC Docket No. 96-98  
NSD File No. L-98-136  
NSD File No. L-98-19

Dear Mr. Varma:

Thank you for meeting with us on September 7, 1999, to discuss MediaOne's need for NXX codes to serve customers. As a facilities-based competitive local exchange carrier providing residential service in seven markets, MediaOne appreciates your time and concern regarding the roll-out of its services. As we related, MediaOne has made an enormous investment to upgrade its facilities to provide telephony, but has experienced difficulties in obtaining numbers in California and New England that impair its ability to provide service in certain NPAs. The lack of numbers now prevents MediaOne from serving over 290,000 additional households in these areas.

Since our meeting, the Commission has released orders granting in part petitions by the California Public Utilities Commission (CPUC) and the Massachusetts Department of Transportation and Energy (MDTE) to implement various area code conservation and relief planning measures. The CPUC has also decided to defer implementation of the planned 424 area code overlay in the greater Los Angeles area.

We are encouraged by the fact that the Commission conditioned its grant of authority upon the states' ensuring that consumers are not denied service from their preferred carrier because of the carrier's inability to obtain numbering resources.<sup>1</sup> We believe this obliges the CPUC and MDTE to take immediate steps to ensure the assignment of numbers, outside the lottery process, to carriers such as MediaOne that are

<sup>1</sup> California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures, *Order*, FCC 99-248 (released September 15, 1999) (*California Order*), para 9; Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, *Order*, FCC 99-246 (released September 15, 1999) (*Massachusetts Order*), para 9.



ready to serve customers, but cannot do so because they have no numbers in the rate centers they wish to serve. The orders expressly grant the CPUC and MDTE the power to effect this remedy.<sup>2</sup> We are concerned that this remedy not be entangled with the overall implementation of the new relief measures, which may take months to implement. We look forward to working with the Commission and the CPUC and MDTE to ensure the availability of tangible relief so that MediaOne can commence rolling out its services in these areas.

In our meeting, you raised several questions about the lottery processes in each of the affected states. This letter responds to those questions.

## **California**

MediaOne currently has eight NXX codes in the 310 NPA; it needs an additional five codes to provide telephone service to the remainder of the NPA served by its system. As we advised you in our meeting, MediaOne stopped participating in the 310 lottery in anticipation of receiving codes in the 424 NPA. Indeed, the rules would not allow MediaOne both to take 424 codes and participate in the 310 lottery. When the California PUC suspended the 424 overlay, MediaOne resumed its participation in the 310 lottery. We now stand eleventh on the priority list to receive a single code. Given that the CPUC has now reduced the monthly lottery allotment from six codes to two, MediaOne will not receive that code until March of next year.

Whether and when MediaOne will ever receive a second additional code in 310 is uncertain. Once MediaOne obtains a code, it cannot obtain a second code until all those on the priority list with MediaOne have received their codes. As many as 19 carriers participate in the lottery, requesting 80 to 100 codes per month; there are less than 50 codes remaining in 310. Thus, under the current procedures, MediaOne will not likely receive a second 310 code, and certainly not for many months; it has almost no chance of receiving the other three codes it needs in 310.

The CPUC's decision indicates that it will initiate a voluntary trial of thousands-block pooling in 310. If so, MediaOne would consider participating in that trial. We have concerns, however, that participation might carry prohibitive costs and thus cannot commit to a trial at this time. Of course, a voluntary pooling plan would provide no relief to MediaOne unless one or more LECs donate thousands blocks in the rate centers MediaOne needs.

The CPUC has also ordered mandatory thousands-block pooling. The CPUC's Telecommunications Division is to design the structure for this mandatory pool; once the Division has designed a proposal, the CPUC will seek industry and public comment on that proposal before reaching a decision; only then will it actually implement pooling. Whatever the pooling plan looks like, it will take significant time to develop and implement. In the meantime, MediaOne is ready to provide competitive local exchange service to the residents of five additional rate centers, but cannot do so.

---

<sup>2</sup> *California Order* at para. 33; *Massachusetts Order* at para. 38.



## **Massachusetts**

MediaOne provides telephone service to four NPAs in the eastern portion of Massachusetts (508, 617, 781 and 978); all four NPAs are in jeopardy and subject to a code lottery. Though the lottery rules are the same in each NPA, the number of codes awarded each month differs: six codes in 508 and 617; eight codes in 781; ten codes in 978. Each company may request no more than three codes per NPA, per month. If, in any month, more codes are requested than are available, the available codes are awarded by a lottery and no company can receive more than one code. The companies who do not "win" a code in the lottery are placed on a priority list; their position on the priority list is determined by the lottery.

Because MediaOne's situation is different in each of these NPAs, we will discuss them individually:

- 508 – MediaOne has four NXX codes in the 508 NPA; it will need eleven additional codes just to meet its marketing plans for the first quarter of 2000. MediaOne is on the priority list for two additional codes in 508, both of which are to be awarded in January, 2000.
- 617 – MediaOne has five NXX codes in the 617 NPA; it will need two additional codes in the first quarter of 2000 to meet its marketing plans. MediaOne is on the priority list for one additional code in 617, which is to be awarded in March, 2000.
- 781 – MediaOne has 24 NXX codes in the 781 NPA; it will need five additional codes in the first quarter of 2000 to meet its marketing plans. MediaOne received one additional code in September, which will become active in November.
- 978 – MediaOne has 18 NXX codes in the 978 NPA; it has no plans to serve additional rate centers in the first quarter of 2000 to meet its marketing plans.

Unless the MDTE can implement thousands-block pooling in the next three months, MediaOne will be delayed in bringing its competitive local service to a significant number of Massachusetts rate centers.

## **New Hampshire**

New Hampshire has a single NPA, 603. MediaOne has not yet launched its telephone service in New Hampshire, but will in the near future. We currently have six NXX codes in 603. To meet its marketing objectives during the first quarter of 2000, MediaOne will need an additional ten codes in 603. The 603 NPA is in jeopardy and is now subject to a lottery; that lottery is identical to the one in Massachusetts, except that seven codes are awarded each month. MediaOne anticipates that it will have only four of the ten codes it needs just to meet its first quarter marketing objectives; the others will come throughout the balance of 2000, the last of them in November.

The current lottery will extend the life of 603 for approximately two more years. The New Hampshire PUC has indicated it will not implement NPA relief (an overlay) for



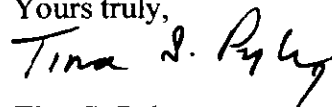
at least two years, and not sooner than ninety days *after* the last NXX has been assigned. If the PUC cannot quickly implement thousands-block pooling, MediaOne's marketing of telephone services in New Hampshire will be significantly restricted. As you know, the PUC has only recently requested authority to implement thousands-block pooling.

### **Use of NXX Codes in Multiple Rate Centers**

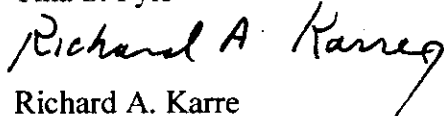
In our meeting, you asked whether MediaOne could serve multiple rate centers using thousands blocks from a single NXX. We indicated our belief that this is not possible, and we have now confirmed that. Until geographic number portability is in place, industry agreements (and some ILEC tariffs) prohibit porting numbers across rate center boundaries; carving thousands blocks out of NXX codes involves porting numbers. Moreover, telecommunications carriers use the NXX to determine the rate center from which a call originates and the rate center to which it terminates in order to bill the call correctly. If MediaOne were to spread thousands blocks from a single NXX across several rate centers, another carrier could not know which of those rate centers to utilize in rating a call placed by its customer to a MediaOne customer in one of those rate centers. In effect, MediaOne would have created an inconsistent rate center consisting of all the rate centers in which it utilizes these thousands blocks.

Thank you again for meeting with us. Please let us know if we can supply additional information.

Yours truly,



Tina S. Pyle



Richard A. Karre

MediaOne Group  
188 Inverness Drive West  
6<sup>th</sup> Floor  
Englewood, CO 80112